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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,469	02/26/2001	Andrew John Cardno	6813	1243

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/674,469	Applicant(s) CARDNO ET AL.	
	Examiner Jonathan Ouellette	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2000 and 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 47-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 47-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. The Applicant claims the priority of PCT application no. PCT/NZ00/00099 filed Jun14, 2000.
2. Receipt is acknowledged of a certified copy of the PCT and New Zealand applications referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, or an application in which applicant has requested voluntary publication, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR 1.55(a)(1) is considered to have been waived. If a claim for foreign priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly identifies the prior foreign

application and is accompanied by a grantable petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55(c).

3. Acknowledgment is made of applications referred to in the oath or declaration or in an application data sheet: 336257 and 503480 filed in New Zealand on 6/14/1999 and 3/20/2000 respectively. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).
4. Receipt is acknowledged of papers filed on 7/24/2000 purporting to comply with the requirements of 35 U.S.C. 119(a)-(d) and they have been placed of record in the file. Attention is directed to the fact that the date for which foreign priority is claimed is not the date of the first filed foreign application acknowledged in the oath or declaration.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 47-51, 59, 60, 63-67, 75, 76, 79-83, 91, 92, and 95 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention (Wells, Amanda, "Aussie firm maps out NZ data," Infotech Weekly, 2ed, p22, May 31, 1999).
7. Wells discloses the system design by Compudigm International (MapData) and describes the overall features of the claimed invention, including the display of data through topographic

mapping means (Wells, Amanda, "Aussie firm maps out NZ data," Infotech Weekly, 2ed, p22, May 31, 1999).

8. Claims 1, 47-51, 59, 60, 63-67, 75, 76, 79-83, 91, 92, and 95 are rejected under 35 U.S.C. 102(a) as being anticipated by MapInfo.com (www.mapinfo.com, Screen Print, 1/25/1999).
9. As per independent Claims 1, 47, 63, and 79, MapInfo.com discloses a data visualization system (method, computer program) comprising: a data value memory in which is maintained a finite set of data values; and display (means) arranged to display a contoured representation wherein one or more of the data values are displayed as contours around one or more data points, each data value centered on a data point (www.mapinfo.com, 1/25/1999).
10. As per Claims 48, 64, and 80, MapInfo.com discloses a memory in which is maintained an interaction database of interaction data representing interactions between customers and merchants; and a retrieval device arranged to retrieve from the interaction database data representing interactions between customers and merchants, to construct the finite set of data values from the retrieved data and to store the data values in the data value memory (www.mapinfo.com, 1/25/1999).
11. As per Claims 49, 65, and 81, MapInfo.com discloses wherein the display is further arranged to display a graphical representation of a least one merchant and to superimpose the contoured representation of the data values on the graphical representation of the merchant (www.mapinfo.com, 1/25/1999).

12. As per Claims 50, 66, and 82, MapInfo.com discloses wherein the merchant operates from one or more commercial premises, the display further arranged to display a graphical spatial representation of the premises of the merchant (www.mapinfo.com, 1/25/1999).
13. As per Claims 51, 67, and 83, MapInfo.com discloses wherein the merchant sells a range of products to customers, each product having a product code, the interaction data comprising a product code for each interaction (www.mapinfo.com, 1/25/1999).
14. As per Claims 59, 75, and 91, MapInfo.com discloses wherein the merchant operates from one or more web sites which are accessed by customers over a computer network, the display further arranged to display a graphical representation comprising a graphical web sit map of a merchant (www.mapinfo.com, 1/25/1999).
15. As per Claims 60, 76, and 92, MapInfo.com discloses wherein the display is further arranged to display a topological map showing the origin of customers in merchant customer interactions (www.mapinfo.com, 1/25/1999).
16. As per Claim 95, MapInfo.com discloses wherein the data visualization computer program is embodies on a computer readable medium (www.mapinfo.com, 1/25/1999).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 52-58, 61, 62, 68-74, 77, 78, 84-90, 93, and 94 are rejected under 35 U.S.C. 103 as being unpatentable over MapInfo.com.
19. As per Claims 52-58, 61, 62, 68-74, 77, 78, 84-90, 93, and 94, MapInfo.com does not expressly show wherein the merchant operates a casino or gaming venue (a wagering or betting service provider, a financial or insurance services provider, a reservation of products or services, a manufacturing facility, telecommunications service provider, and a sports event) comprising one or more business units, each business unit having a business unit identifier, the interaction data comprising a business unit identifier for each interaction.
20. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The data visualization system (method, computer program) would be performed regardless of the type of merchant of business unit identifier used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the data visualization system with a casino or gaming venue, a wagering or betting service provider, a financial or insurance services provider, a reservation of products or services, a manufacturing facility, telecommunications service provider, or a sports event (with respective business unit identifiers), because such merchants (business unit identifiers) do not functionally relate to the steps in the method claimed and because the subjective interpretation of the merchants (business unit identifiers) do not patentably distinguish the claimed invention.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. The following patents are cited to further show the state of the art with respect to data visualization reporting in general:

U.S. Pat. No. 6,232,984 to Chuah et al.

Chuah discloses a data visualization system, which comprises a plurality of component objects representing different data items, each component object having a color-coded attribute relating to the data item presented and having an attribute for encoding data item changes over time.

24. The following foreign patent is cited to show the best foreign prior art found by the examiner:

PCT No. WO 9713210 A1 to Sitarski et al.

Sitarski discloses a computerized dynamic data modeling and visualization system for DRP and MRP, which include workstations accessing data store via an interface, which updates common data sets if accessed simultaneously.


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25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



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February 12, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600